



**Office of the Attorney General
State of Texas**

DAN MORALES
ATTORNEY GENERAL

July 25, 1994

Ms. Detra G. Hill
Assistant City Attorney
Criminal Law and Police Division
501 Police & Courts Building
Dallas, Texas 75201

OR94-385

Dear Ms. Hill:

You inform us that the police department of the City of Dallas has received a request from the Texas branch of the American Civil Liberties Union for information in the department's custody relating to "gangs." The requestor seeks the following material:

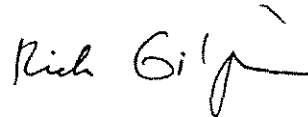
1. Definition and origin of said definition of a "gang"
2. A list of all the identified "gangs" in the city and explain how such a list was compiled
3. Criteria and origin of said criteria for placing an individual in a "gang"
4. Explanation of how individuals get on a list as belonging to a certain "gang"
5. Who compiles the list of "gangs" and related "gang" members; where is the list kept; who has access to the list; what gives you the authority to compile such a list?
6. How is the information that the DPD gathers on "gangs" used?
7. How many names appear on the list of "gang" members, and what is the ethnic breakdown of members on the list?
8. Provide a list of the "gangs" and related members; if you advise that no such list now exists, please advise if any such list ever existed, what happened to the information and answer the questions above related to any past such list.

In response to this request, you have submitted to us an 88 page document which lists the names of "gangs," the full names of members of each "gang," and the sex and ethnicity of each member. From this document, one could respond to the requestor's seventh and eighth questions, and part of his second question. The other numbered items pose questions which are not answerable from the material submitted. The Open Records Act does not require a governmental body to answer questions or to prepare new information. Open Records Decision Nos. 605 (1992); 563 (1990).

You contend that the information contained on the 88 page document is excepted from disclosure by section 552.108, of the Government Code, the law enforcement exception to the Open Records Act. You suggest that disclosure of that information would "unduly interfere with law enforcement and crime prevention." You state that the document is "maintained as an intelligence file for the detection and investigations of criminal offenses. . . in an effort to determine responsibility for gang-related crimes and to provide the police department with a method of proactive enforcement."

This office has consistently held that, *unless* particular records show on their face that disclosure would satisfy the "unduly interfere" standard, a law enforcement agency must provide the explanation. Open Records Decision Nos. 518 (1989); 434 (1986). In our opinion, the documents you have furnished do indeed show on their face that their release would "unduly interfere with law enforcement and crime prevention." This office has frequently held that "background information" of the kind at issue here may be withheld from disclosure in the interest of law enforcement and crime prevention. See, e.g., Open Records Decision Nos. 531 (1989) (detailed guidelines regarding a police department's use of force policy); 333 (1982) (names of police "contacts"); 369 (1983) (a prosecutor's subjective comments about former jurors). We conclude that the list of "gangs," "gang" members and other related information may be withheld from disclosure by virtue of section 552.108.¹

Yours very truly,



Rick Gilpin
Deputy Chief
Opinions Division

¹Since we hold that the relevant document may be withheld from disclosure under section 552.108, of the Government Code, we need not address the issue of whether the names of certain gang members are expressly made confidential by section 51.14, Family Code, as information relating to juveniles.

JRG/rho

Ref.: ID# 23768

Enclosures: Submitted documents

cc: Mr. Joe Cook
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P.O. Box 8342
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(w/o enclosures)